

Message Text

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ACTION EUR-12

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TO SECSTATE WASH DC 3744

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COMMERCE FOR ARRILL

GENEVA FOR PREEG - USDEL UNCTAD TDB

E.O. 11652: N/A

TAGS: EINV, OECD, EFIN

SUBJECT: OECD INVESTMENT PACKAGE: NATIONAL TREATMENT

REF: (A) OECD PARIS 22318, (B) OECD PARIS 29713

1. MISSION HAS BEEN REMINDED BY OECD SECRETARIAT
SEVERAL TIMES OF ABSENCE OF U.S. LIST OF EXCEPTIONS TO
NATIONAL TREATMENT, AS PROVIDED IN PARAGRAPH 1 OF
NATIONAL TREATMENT DECISION OF OECD INVESTMENT PACKAGE
(AGREED BY MINISTERS ON JUNE 21, 1976). THIS LIST WAS
DUE AUGUST 21, 1976 (REFTEL A).

2. THUS FAR, SIX COUNTRIES HAVE PROVIDED NATIONAL
TREATMENT EXCEPTIONS LIST: JAPAN, UK, SWEDEN, DENMARK,
GREECE, SWITZERLAND. THESE DOCUMENTS (IME(76)16/SERIES)
ARE IN WASHINGTON FOR INTERESTED PARTIES, AND THESE
NOTIFICATIONS WILL BE AN ITEM ON THE AGENDA FOR THE NEXT
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MEETING OF THE COMMITTEE ON INTERNATIONAL INVESTMENT AND

MNE'S, NOVEMBER 9 AND 10 (REFTEL B).

3. FURTHER DELAY IN PROVISION OF U.S. NOTIFICATION OF LIST OF EXCEPTIONS TO NATIONAL TREATMENT WOULD BE EMBARRASSING. IT WAS, AFTER ALL, ONE OF MAJOR U.S. INITIATIVES DURING THE NEGOTIATION OF THE OECD INVESTMENT PACKAGE. IF ONE OF THE DIFFICULTIES STEMS FROM NOTIFICATION OF BOTH FEDERAL AND STATE EXCEPTIONS (THE LATTER OF WHICH COULD BE MORE TIME-CONSUMING), ONE WAY OUT COULD BE TO TRANSMIT IMMEDIATELY THE SIMPLER FEDERAL EXCEPTIONS, WITH THE STATE EXCEPTIONS TO FOLLOW.

4. OECD SECRETARIAT (BERTRAND) HAS SUGGESTED FOLLOWING FORMAT:

BEGIN TEXT

AIDE-MEMOIRE OF EXCEPTIONS TO THE PRINCIPLE OF NATIONAL TREATMENT

BY NATURE OF OPERATIONS

1. TAX OBLIGATIONS
2. RIGHT TO OFFICIAL AID AND SUBSIDIES
3. ACCESS TO BANK CREDIT AND THE CAPITAL MARKET
4. GOVERNMENT PURCHASING AND PUBLIC CONTRACTS
5. OTHER (CUSTOMS TREATMENT - PRICE CONTROL - REGULATIONS ON CARTELS - EXCHANGE CONTROL, ETC.)

BY SECTORS

6. SECTORS WHERE INVESTMENT AT SECOND REMOVE REQUIRES AUTHORIZATION
7. SECTORS SUBJECT TO INTERNAL REGULATION, WITH DISCRIMINATION ACCORDING TO NATIONALITY (CONCESSIONS FOR MINING AND EXPLOITATION OF NATURAL RESOURCES - PUBLIC TRANSPORT - TELECOMMUNICATIONS - ETC.).

PRO MEM: NOT TO BE MENTIONED:

REGULATED PERSONAL OCCUPATIONS
STATE MONOPOLIES

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(FORMAT SUGGESTED IN THE AD HOC GROUP OF EXPERTS OF THE EXECUTIVE COMMITTEE IN SPECIAL SESSION IN CES/74.64)
END TEXT

5. ACTION REQUESTED: MISSION WOULD APPRECIATE RECEIVING ASAP U.S. LIST OF EXCEPTIONS TO NATIONAL TREATMENT.
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